

Attorneys at Law

January 5, 2010

**By Hand Delivery and ECF**

Hon. I. Leo Glasser  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Cohen v. JP Morgan Chase & Co. and JP Morgan Chase Bank,*  
04-cv-4098 (ILG)

Dear Judge Glasser:

At the hearing on December 22, 2009, the Court asked the parties to attempt to resolve their dispute over the amount of attorneys' fees to be paid by Chase to Class Counsel. The Court asked the parties to report back within a week. On December 29, 2009, counsel for Chase requested an additional week due to the holiday schedules of his client.

I heard back from counsel for Chase last night. The conversation was not productive.

I write to request that the Court refer the parties to Magistrate Judge Mann for a settlement conference to resolve the fee dispute. Class Counsel do not believe it would be productive to return to the mediator who oversaw the settlement negotiations in this matter, as he was unable to facilitate a resolution of the fee dispute despite his efforts over several months.

We believe the better course is to proceed before Magistrate Judge Mann before submitting the issue to Your Honor for resolution.

Respectfully yours,



Oren Giskan

cc: LeAnn Pope, Esq. (by email)  
Noah Levine, Esq. (by email and ECF)